

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**SENATE BILL 90**

Short Title: Social Services Reform/CWBTC Recs. (Public)

Sponsors: Senators Krawiec, Burgin, and Perry (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 15, 2021

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT VARIOUS STUDIES AND MAKE REFORMS TO IMPROVE SOCIAL SERVICES, THE FOSTER CARE SYSTEM, AND CHILD WELFARE SERVICES; TO IMPROVE INTERCOUNTY COLLABORATION BETWEEN DEPARTMENTS OF SOCIAL SERVICES; AND TO SUPPORT THE IMPLEMENTATION OF THE FAMILY FIRST PREVENTION SERVICES ACT, AS RECOMMENDED BY THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL.

The General Assembly of North Carolina enacts:

**PART I. FOSTER CARE AND SOCIAL SERVICES REFORM**

**SECTION 1.(a)** In order to ensure continuity of care for children in foster care who are nearing the age of 18, the Department of Health and Human Services, Division of Social Services (Department), shall develop policies and procedures to require coordination between counties for children who reside outside of the county that has custody of the child no later than 90 days after the child's seventeenth birthday. The policies and procedures shall ensure the child has a point of contact within the county that has custody of the child to assist the child with securing Medicaid and NC Health Choice program assistance and access physical and mental health services for which the child is eligible. The policies and procedures shall ensure children have, at a minimum, all of the following:

- (1) Educational plans.
- (2) Employment plans.
- (3) Mechanisms to ensure continuity and amplify services for children transitioning out of foster care.

**SECTION 1.(b)** Report. – The Department shall report to the Chairs of the Senate Appropriations Committee on Health and Human Services and the Chairs of the House Appropriations Committee on Health and Human Services by February 1, 2022, on (i) its progress in developing and implementing the policies and procedures set forth in subsection (a) of this section, (ii) the method of disseminating the policies and procedures to all counties, and (iii) how the Department will ensure the implementation and utilization of all of the policies and procedures.

**SECTION 2.(a)** The Department of Health and Human Services, Division of Social Services, shall develop policies and procedures to outline the permanency plan process and to require caseworkers in all county departments of social services to begin developing permanency plans no later than 90 days after the child's seventeenth birthday and to finalize permanency plans no later than 15 days prior to transitioning out of foster care on a child's eighteenth birthday, as



1 allowed by federal law. The Division shall study the current age of transitioning out of foster  
2 care and evaluate whether the age of transition should be changed and the associated impacts,  
3 benefits, and outcomes.

4 **SECTION 2.(b)** Report. – The Department shall report to the Chairs of the House  
5 Appropriations Committee on Health and Human Services and the Chairs of the Senate  
6 Appropriations Committee on Health and Human Services by April 1, 2022, on the policies and  
7 procedures required under subsection (a) of this section and any recommended legislative  
8 changes necessary to modify the age of transition.

9 **SECTION 3.** The Department of Health and Human Services shall develop and  
10 implement a plan to encourage and keep foster children in community-based settings, including  
11 outpatient therapy, in-home services, and foster care and avoid inappropriate residential  
12 behavioral health placements. The Department shall begin implementation of the plan by April  
13 1, 2022, and report to the Chairs of the House Appropriations Committee on Health and Human  
14 Services and the Chairs of the Senate Appropriations Committee on Health and Human Services  
15 on the implementation of the plan by July 1, 2022.

16 **SECTION 4.(a)** The Department of Health and Human Services shall study the  
17 statutory requirements of the social services system, juvenile justice system, and the Medicaid  
18 and NC Health Choice program applicable to children in foster care. The Department shall study,  
19 at a minimum, all of the following:

- 20 (1) Differences, consistencies, overlaps, and gaps in the State social services  
21 system, State juvenile justice system, and Medicaid and NC Health Choice  
22 programs, as applied to children in foster care.
- 23 (2) Challenges and solutions in systematic communications between local  
24 management entities/managed care organizations (LME/MCOs) and  
25 stakeholders.
- 26 (3) Federal and State funding streams associated with LME/MCOs, the State  
27 social services system, State juvenile justice system, and Medicaid and NC  
28 Health Choice programs, as applied to children in foster care.
- 29 (4) Benefits and challenges of the current managed care arrangement with  
30 LME/MCOs for providing services to children and their families.
- 31 (5) Options for replacement of the current system and any anticipated cost savings  
32 or anticipated requirements.

33 **SECTION 4.(b)** Report. – The Department shall report on the information required  
34 in subsection (a) of this section to the Joint Legislative Oversight Committee on Health and  
35 Human Services and the Joint Legislative Oversight Committee on Medicaid and NC Health  
36 Choice by February 1, 2023.

37 **SECTION 5.** The Department of Health and Human Services shall develop and  
38 identify standardized, trauma-informed assessment tools and require that only trained clinicians  
39 deemed as appropriate by the Department assess the applicability of the use of the tool in the  
40 treatment. The Department shall evaluate the costs and benefits of the implementation of the  
41 assessment tools, including training and administration costs, and costs associated with  
42 measuring ongoing fidelity of the tools and the data collection and analysis needed to perform  
43 fidelity monitoring. The Department shall report the results of the study to the Chairs of the  
44 House Appropriations Committee on Health and Human Services and the Chairs of the Senate  
45 Appropriations Committee on Health and Human Services by June 1, 2022.

## 46 **PART II. GUARDIANSHIP ASSISTANCE PROGRAM**

47 **SECTION 6.(a)** Guardianship Assistance Program. – The Department of Health and  
48 Human Services, Division of Social Services, shall do all of the following as it applies to the  
49 Guardianship Assistance Program and the Kinship Care Program:

- 50 (1) Define and implement oversight mechanisms for each program.

- 1 (2) Increase the utilization of both programs across the State.  
2 (3) Explore the feasibility of reducing the age of children served by each program.  
3 (4) Reduce the age of eligibility of the Guardianship Assistance Program to age  
4 12.  
5 (5) Provide recommendations for incentivizing use of each program, as  
6 appropriate, with corresponding cost estimates and anticipated outcomes.

7 **SECTION 6.(b)** Nothing in this section shall be construed or interpreted as  
8 guardianship replacing or supplanting permanency.

9 **SECTION 6.(c)** Report. – The Department shall report to the Chairs of the House  
10 Appropriations Committee on Health and Human Services and the Chairs of the Senate  
11 Appropriations Committee on Health and Human Services on these activities by February 1,  
12 2022.

### 13 **PART III. MEMORANDUM OF AGREEMENT FOR STAFFING**

14 **SECTION 7.(a)** The Department of Health and Human Services, Division of Social  
15 Services, and the North Carolina Association of Regional Councils of Governments (Councils of  
16 Governments) shall explore entering into a memorandum of agreement to utilize Councils of  
17 Governments physical office space and office-related needs for Division of Social Services staff  
18 and facilitate cooperation between regions and evaluate the estimated costs by region for the  
19 office space and sample agreements between the Division and the Councils of Governments.

20 **SECTION 7.(b)** Report. – The Division shall file a report that contains the estimated  
21 costs by region for office space and sample agreements, as described in subsection (a) of this  
22 section, to the Chairs of the House Appropriations Committee on Health and Human Services  
23 and the Chairs of the Senate Appropriations Committee on Health and Human Services by June  
24 1, 2022.  
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### 26 **PART IV. FAMILY FIRST PREVENTION SERVICES ACT**

27 **SECTION 8.** Family First Prevention Services Act Report. – The Department of  
28 Health and Human Services shall compile a list of programs that qualify for federal  
29 reimbursement through the Family First Prevention Services Act (Division E, Title VII of Public  
30 Law 115-123) and submit a report to the Joint Legislative Oversight Committee on Health and  
31 Human Services beginning on December 1, 2022, and each year thereafter, until December 1,  
32 2025. The annual report shall include all of the following:  
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- 34 (1) Identification of federal funds obtained by the State for all qualifying  
35 programs and services.  
36 (2) Strategies to improve and expand the qualifying programs, where needed,  
37 across the State.  
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### 39 **PART V. CONFIDENTIALITY LAWS AS APPLIED TO INTERCOUNTY 40 COLLABORATION AND DELIVERY OF SERVICES TO CHILDREN**

41 **SECTION 9.(a)** The Department of Health and Human Services, Division of Social  
42 Services (Division), shall conduct a study of all confidentiality laws that apply to State social  
43 services and programs. The Division shall request recommendations for any revisions that are  
44 necessary to improve intercounty cross-sector collaboration and delivery of services. The  
45 Division shall study, at a minimum, all of the following:

- 46 (1) All laws imposing confidentiality that apply to social services, including  
47 G.S. 108A-80, 7B-302, 7B-2901, and Chapter 69 of the North Carolina  
48 Administrative Code.  
49 (2) Revisions necessary to accommodate the anticipated changes to the judicial  
50 system's IT platform.

1 (3) Whether amendments to State law are necessary to facilitate improved  
2 information sharing between child welfare and child support and whether the  
3 State should advocate for changes to current federal laws.

4 (4) Whether confidentiality laws applicable to the juvenile justice system are  
5 sufficient to ensure that the information being shared between juvenile justice  
6 and social services is adequate to provide the best service and support to  
7 juveniles involved in both systems.

8 **SECTION 9.(b)** The Division shall consult with the Department of Public  
9 Instruction, the Department of Public Safety, Division of Juvenile Justice, the Administrative  
10 Office of the Courts, and the Department of Information Technology in the development of this  
11 study.

12 **SECTION 9.(c)** The Division shall report the results of the study to the Chairs of the  
13 House Appropriations Committee on Health and Human Services and the Chairs of the Senate  
14 Appropriations Committee on Health and Human Services by June 1, 2022.

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16 **PART VI. ELIMINATE PERMANENCY INNOVATION INITIATIVE OVERSIGHT**  
17 **COMMITTEE**

18 **SECTION 10.** G.S. 131D-10.9A is repealed.

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20 **PART VII. ANNUAL NOTIFICATION FOR SCHOOL SOCIAL WORKERS**  
21 **REGARDING COMPULSORY ATTENDANCE REQUIREMENT FOR CHILDREN**  
22 **UNDER AGE SEVEN**

23 **SECTION 11.(a)** G.S. 115C-378(a) reads as rewritten:

24 "(a) Every parent, guardian or custodian in this State having charge or control of a child  
25 between the ages of seven and 16 years shall cause the child to attend school continuously for a  
26 period equal to the time which the public school to which the child is assigned shall be in session.

27 (a1) Every parent, guardian, or custodian in this State having charge or control of a child  
28 under age seven who is enrolled in a public school in grades kindergarten through two shall also  
29 cause the child to attend school continuously for a period equal to the time which the public  
30 school to which the child is assigned shall be in session unless the child has withdrawn from  
31 school. No later than August 15 of each year, the Department of Public Instruction shall notify  
32 all school social workers employed in a public school of the attendance requirement provided in  
33 this subsection."

34 **SECTION 11.(b)** This section is effective when it becomes law.

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36 **PART VIII. EFFECTIVE DATE**

37 **SECTION 12.** This act is effective when it becomes law.